

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

PENTHOUSE OWNERS ASSOCIATION, INC.

PLAINTIFF

V.

CIVIL ACTION NO.1:07CV568 LTS-RHW

CERTAIN UNDERWRITERS AT LLOYD'S, LONDON

DEFENDANT

**ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S MOTION IN LIMINE REGARDING EVIDENCE OF
ITS POLICY DEDUCTIBLE AND ITS RECEIPT OF FLOOD INSURANCE BENEFITS**

In accordance with the Memorandum Opinion I have this day signed, it is hereby

ORDERED

That the motions [156] [159] of Penthouse Owners Association, Inc., to exclude evidence of its deductible and its receipt of flood insurance benefits as grounds for the denial of its claim is **GRANTED IN PART** and **DENIED IN PART**.

The motions are **GRANTED** as to the issue of whether the defendant had a legitimate or arguable reason for denying the plaintiff's claim, and only evidence that was in the hands of the defendant at the time the claim was denied will be considered in deciding this issue; and the motions are **DENIED** as to the other issues in this case.

SO ORDERED this 10th day of July, 2008.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE